

RANDY RIDDLE (CA State Bar No. 121788)  
CITY ATTORNEY  
KEVIN SCOTT DICKEY (CA State Bar No. 184251)  
CHIEF DEPUTY CITY ATTORNEY  
CITY OF RICHMOND  
450 Civic Center Plaza  
Richmond, CA 94804-1630  
Telephone: (510) 620-6509  
Facsimile: (510) 620-6518  
randy\_riddle@ci.richmond.ca.us

ANDREW W. SCHWARTZ (CA State Bar No. 87699)  
MATTHEW D. ZINN (CA State Bar No. 214587)  
WINTER KING (CA State Bar No. 237958)  
SHUTE, MIHALY & WEINBERGER LLP  
396 Hayes Street  
San Francisco, CA 94102  
Telephone: (415) 552-7272  
Facsimile: (415) 552-5816  
Schwartz@smwlaw.com  
Zinn@smwlaw.com  
King@smwlaw.com

Attorneys for Defendant  
CITY OF RICHMOND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JEFFREY HERSON, an individual; EAST  
BAY OUTDOOR, INC., a California  
corporation,

Plaintiffs,

v.

CITY OF RICHMOND, a charter city,

Defendant.

Case No. 4:09-cv-02516-PJH

**STIPULATION TO EXTEND TIME FOR  
DEPOSITION BEYOND DISCOVERY  
CUTOFF; [~~PROPOSED~~] ORDER**

Judge: Honorable Phyllis J. Hamilton  
Dept.: Courtroom 3

Trial Date: None set

1 WHEREAS, Plaintiffs have noticed a deposition of Defendant's person or persons most  
2 knowledgeable pursuant to Fed. R. Civ. P. 30(b)(6) for August 17, 2010 ("PMK Deposition");

3 WHEREAS, given the numerous subjects included in the notice, the preparation required  
4 for the PMK Deposition will be extensive, Defendant wishes to extend the date of the deposition  
5 to September 7, 2010;

6 WHEREAS, this Court's Case Management and Pretrial Order establishes August 25,  
7 2010 as the cutoff for non-expert discovery;

8 WHEREAS, the parties cannot agree about whether that cutoff should be extended, and  
9 Defendant plans to apply separately to this Court to extend the cutoff, but the parties have  
10 agreed to request that this Court allow the PMK Deposition to occur after the existing cutoff;  
11 and

12 WHEREAS, although this stipulation involves a discovery matter, because it also  
13 involves an exception to a deadline set in this Court's Case Management and Pretrial Order, it  
14 has not been designated in the caption as a discovery matter.

15 NOW, THEREFORE, the parties hereby agree and request that the Court order as  
16 follows:

17 1. Notwithstanding the non-expert discovery cutoff presently set for August 25,  
18 2010, the deposition noticed by Plaintiffs pursuant to Fed. R. Civ. P. 30(b)(6) for August 17,  
19 2010 shall be held instead on September 7, 2010 at the same time and place indicated in the  
20 notice of deposition.

21 2. Defendant waives notice of the new date of the PMK Deposition.

22 DATED: August 11, 2010

SHUTE, MIHALY & WEINBERGER LLP

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24  
25 By: /s/ Matthew D. Zinn  
MATTHEW D. ZINN

26 Attorneys for Defendant  
27 CITY OF RICHMOND  
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1 DATED: August 11, 2010

BOSTWICK & JASSY LLP

3 /s/ Gary L. Bostwick (concurrence in filing  
4 By: obtained on August 11, 2010)  
5 GARY L. BOSTWICK

6 Attorneys for Plaintiffs  
7 JEFFREY HERSON and EAST BAY OUTDOOR,  
8 INC.  
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**[PROPOSED] ORDER**

Pursuant to stipulation, and good cause appearing, IT IS HEREBY ORDERED THAT:

1. Notwithstanding the non-expert discovery cutoff presently set for August 25, 2010, the deposition noticed by Plaintiffs pursuant to Fed. R. Civ. P. 30(b)(6) for August 17, 2010 shall be held instead on September 7, 2010 at the same time and place indicated in the notice of deposition.

2. Plaintiffs need not serve a revised notice of deposition reflecting the new date.

IT IS SO ORDERED.

DATED: August 17, 2010

HON. PHYLLIS J. HAMILTON  
United States District Court  
Northern District of California

